

**MENOMINEE TRIBAL LEGISLATURE – RECESSED REGULAR
MONDAY, JUNE 27, 2011
TRIBAL OFFICE BOARDROOM
KESHENA, WI 54135
5:30 P.M.**

MEMBERS PRESENT:

Randal Chevalier, Tribal Chairman
Myrna R. Warrington
Craig A. Corn
Lisa S. Waukau
Bruce J. Pecore – *(Late in at 5:37 P.M.)*
Orman D. Waukau Jr
Laurie A. Boivin

MEMBERS ABSENT:

Rebecca D. Alegria – *(Excused absence)*
David A. Miller – *(Excused absence)*

1. Call to Order – Roll Call.

Chairman Chevalier called the recessed meeting to order at 5:35 p.m. Roll Call was taken and a quorum was present.

2. Menominee Prayer.

This was observed on June 23, 2011.

3. Public Comment Period.

This agenda item was taken up on June 23, 2011.

4. Appointment to the Citizen Action of Wisconsin Board of Directors.

This agenda item was taken up on June 23, 2011.

5. Appointments to the Community Funding Review and Selection Panel.

This agenda item was taken up on June 23, 2011.

6. Appointments to the Menominee Indian Economic Development Authority Board of Directors.

This agenda item was taken up on June 23, 2011.

7. Request Approval for Transfer of Appointment to the Community Development Committee.

This agenda item was taken up on June 23, 2011.

8. Bid Recommendation for the Tribal Clinic Chemical Analyzer.

This agenda item was taken up on June 23, 2011.

9. Great Lakes Inter-Tribal Council 2011 Membership Dues.

This agenda item was taken up on June 23, 2011.

10. Request a Special Joint Meeting between the Menominee Tribal Legislature, Menominee Tribal Enterprises, and Alliant Energy.

This agenda item was taken up on June 23, 2011.

11. Proposal to Replace MTL All-in-One Computers.

This agenda item was taken up on June 23, 2011.

12. Acquired Tribal Properties Comprehensive Report.

This agenda item was taken up on June 23, 2011.

13. Resolution No. 11-27 Resolution to Approve the 2011 FMP.

MOTION BY LISA WAUKAU TO *TABLE* RESOLUTION NO. 11-27 (*RESOLUTION TO APPROVE THE 2011 FOREST MANAGEMENT PLAN*). SECOND WAS MADE BY CRAIG CORN. THE MOTION CARRIED: 5 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 3 ABSENT (ALEGRIA, D. MILLER, & PECORE).

14. Resolution No. 11-___ Approval of Amendment to Attorney Contract.

MOTION BY MYRNA WARRINGTON TO APPROVE MENOMINEE INDIAN TRIBE OF WISCONSIN RESOLUTION NO. 11-32 APPROVAL OF AMENDMENT TO ATTORNEY CONTRACT (JOHN WILHELMI), WAIVE THE READING, AND APPROVE SIGNATURES. SECOND WAS MADE BY ORMAN WAUKAU. THE MOTION CARRIED: 5 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 3 ABSENT (ALEGRIA, D. MILLER, & PECORE).

15. Resolution No. 11-___ Extension of Intergovernmental Agreement Between Menominee Indian Tribe, Menominee Kenosha Gaming Authority, City of Kenosha, and County of Kenosha.

Please Note: *Legislator Pecore arrived late to the meeting at 5:37 P.M.*

MOTION BY LAURIE BOIVIN TO APPROVE MENOMINEE INDIAN TRIBE OF WISCONSIN RESOLUTION NO. 11-33 EXTENSION OF INTERGOVERNMENTAL AGREEMENT BETWEEN MENOMINEE INDIAN TRIBE, MENOMINEE KENOSHA GAMING AUTHORITY, CITY OF KENOSHA, AND COUNTY OF KENOSHA. SECOND WAS MADE BY ORMAN WAUKAU. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (ALEGRIA & D. MILLER).

16. Resolution No. 11-___ Authorizing Continuation of the Wisconsin Indian Tribal Community Re – Integration Program.

MOTION BY BRUCE PECORE TO APPROVE MENOMINEE INDIAN TRIBE OF WISCONSIN RESOLUTION NO. 11-34 AUTHORIZING CONTINUATION OF THE WISCONSIN INDIAN TRIBAL COMMUNITY RE-INTEGRATION PROGRAM, AND APPROVE THE CHAIR AND SECRETARY TO SIGN. SECOND WAS MADE BY CRAIG CORN. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (ALEGRIA & D. MILLER).

17. Resolution No. 11-___ Construction Easement for the Keshena Veterans Park and Fairgrounds Walking Trail Improvement.

MOTION BY MYRNA WARRINGTON TO APPROVE RESOLUTION NO. 11-35 CONSTRUCTION EASEMENT FOR THE KESHENA VETERANS PARK AND FAIRGROUNDS WALKING TRAIL IMPROVEMENT WITH THE CORRECTIONS OF THE EASEMENT GOING TO THE COMMUNITY DEVELOPMENT DEPARTMENT, WAIVE THE READING, AND APPROVE SIGNATURES. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 5 FOR, 0 OPPOSED, 1 ABSTENTION (PECORE), AND 2 ABSENT (ALEGRIA & D. MILLER).

PLEASE NOTE: *Legislator Pecore qualified his abstention as follows: “I just think that people should get a chance to give their opinion on this, and I think we should have put this in the paper so that we don’t have the same thing that happened in the Smokey Falls area.”*

18. Other Business: Matters of an Immediate Nature that Cannot Wait Until the Next Meeting.

This agenda item was taken up on June 23, 2011.

19. 10-Day Waiver Request(s).

There were no 10-day waiver request(s) made at this time.

20. Management Team Reports.

MOTION BY LAURIE BOIVIN TO ACCEPT THE MANAGEMENT TEAM REPORTS AS PRESENTED. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (ALEGRIA & D. MILLER).

21. 1ST Consideration of Ordinance No. 11-04 Residential Lease Requests (*Menominee Tribal Housing Limited Partnership # 8*).

MOTION BY LISA WAUKAU TO APPROVE THE FIRST READING OF ORDINANCE NO. 11-04 RESIDENTIAL LEASE REQUESTS, AND SEND TO PUBLIC HEARING ON JULY 7, 2011 AT 4:30 P.M. SECOND WAS MADE BY CRAIG CORN. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (ALEGRIA & D. MILLER).

22. Legislative Time on Task Reports.

There was no Legislative action required.

23. Travel Authorization Requests.

MOTION BY LAURIE BOIVIN TO APPROVE TRAVEL AUTHORIZATION REQUESTS FOR 1) THE DNR ANNUAL CONSULTATION MEETING WITH TRIBAL LEADERS ON JUNE 29, 2011 IN GREEN BAY, WI FOR LEGISLATOR CRAIG CORN AND LEGISLATOR DAVID MILLER; 2) KENOSHA COUNTY/CITY OFFICIALS MEETING ON JUNE 20 – 21, 2011 IN KENOSHA, WI FOR LEGISLATOR'S LAURIE BOIVIN, MYRNA WARRINGTON, AND BRUCE PECORE; 3) TO ALLOW TWO (2) KENOSHA GAMING AUTHORITY OFFICIALS TO MEET WITH KENOSHA COUNTY/CITY OFFICIALS MEETINGS ON JULY 6 – 8, AND ON JULY 18 – 19, 2011 IN KENOSHA, WI; & 4) MEETING WITH DAIRYLAND GREYHOUND OFFICIALS ON JUNE 29, 2011 FOR LEGISLATOR WARRINGTON AND/OR DESIGNEE IN KENOSHA, WI. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (ALEGRIA & D. MILLER).

24. Approval of Minutes: 1) January 29, 2011 – Recessed Annual General Council.

MOTION LISA WAUKAU TO APPROVE THE MINUTES OF THE RECESSED ANNUAL GENERAL COUNCIL MEETING OF JANUARY 29, 2011 WITH ANY POTENTIAL CORRECTIONS. SECOND WAS MADE BY BRUCE PECORE. THE MOTION IS CARRIED: 5 FOR, 0 OPPOSED, 1 ABSTENTION (CORN), AND 2 ABSENT (ALEGRIA & D. MILLER).

PLEASE NOTE: Legislator Corn qualified his abstention as follows: "I wasn't on the Legislature at that time."

25. Committee Recommendations:

- a) Menominee Indian Economic Development Authority of April 7, 2011**
 - i. Request Direction on the Wolf River Scenic By-Way Program.**

MOTION BY BRUCE PECORE TO CONCUR WITH THE RECOMMENDATION OF THE MENOMINEE INDIAN DEVELOPMENT AUTHORITY OF APRIL 7, 2011 TO SEND THE WOLF RIVER SCENIC BYWAY PROGRAM TO THE TRIBAL LEGISLATURE, TO HAVE IT REVIEWED AND TO DECIDE IF IT'S BENEFICIAL FOR THE M.I.E.D.A. BOARD TO REVIEW ANY FURTHER. NO SECOND NECESSARY.

PLEASE NOTE: This motion was withdrawn, because additional information is requested by the Tribal Legislature.

- b) Menominee Indian Economic Development Authority of June 2, 2011
 - i. Request Approval to Waive Construction Tax on Grocery Store Project.

MOTION BY BRUCE PECORE TO CONCUR WITH THE RECOMMENDATION OF THE MENOMINEE INDIAN ECONOMIC DEVELOPMENT AUTHORITY OF JUNE 2, 2011 TO FORWARD TO THE LEGISLATURE TO WAIVE THE CONSTRUCTION TAX ON THE GROCERY STORE PROJECT ON CONSTRUCTION SITE. NO SECOND NECESSARY. THE MOTION IS CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (ALEGRIA & D. MILLER).

- c) Housing Committee of June 6, 2011.
 - i. Request Approval of the 2011 Indian Housing Plan; &

MOTION BY LISA WAUKAU TO CONCUR WITH THE RECOMMENDATION OF THE HOUSING COMMITTEE OF JUNE 6, 2011 TO RECOMMEND TO THE LEGISLATURE TO APPROVE THE 2011 INDIAN HOUSING PLAN AND SEND TO THE CHAIRMAN'S OFFICE FOR SIGNATURE. NO SECOND NECESSARY. THE MOTION IS CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (ALEGRIA & D. MILLER).

- ii. Request Approval of the Indian Housing Plan and Annual Performance Report for 2012.

MOTION BY LISA WAUKAU TO CONCUR WITH THE RECOMMENDATION OF THE HOUSING COMMITTEE OF JUNE 6, 2011 TO APPROVE THE INDIAN HOUSING PLAN AND ANNUAL PERFORMANCE REPORT FOR 2012 AND SEND TO THE LEGISLATURE FOR APPROVAL. NO SECOND NECESSARY. THE MOTION IS CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (ALEGRIA & D. MILLER).

26. Legislative Goals.

The Legislature updated each on the progress of their Legislative goals thus far.

- 27. *As per LRP 5.03 – EXECUTIVE SESSION:* (A) Legal; 1) U. S. Counteroffer to Settle Contract Support Cost Claims; 2) Approval of 2nd Quarter Legislative Credit Card Report; 3) Tribal Prosecutor's Office Procedural Audit; 4) Potential Purchase of Property; 5) FMP Updates; & 6) MIEDA Board Updates; (B) Personnel; & (C) Gaming – 1) Kenosha Project Update; & 2) MIGA Board Updates.

MOTION BY LISA WAUKAU TO GO INTO EXECUTIVE SESSION. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (ALEGRIA & D. MILLER).

*****EXECUTIVE SESSION WAS NOT RECORDED*****

MOTION BY LISA WAUKAU TO COME OUT OF EXECUTIVE SESSION. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (ALEGRIA & D. MILLER).

- (A) Legal
 - 1) U. S. Counteroffer to Settle Contract Support Cost Claims;

MOTION BY LISA WAUKAU TO AUTHORIZE THE CHAIR TO SIGN THE SETTLEMENT LETTER. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 5 FOR, 0 OPPOSED, 1 ABSTENTION (BOIVIN), AND 2 ABSENT (ALEGRIA & D. MILLER).

PLEASE NOTE: Legislator Boivin qualified her abstention as follows: "I'm going to abstain just because I work there."

2) Approval of 2nd Quarter Legislative Credit Card Report;

MOTION BY MYRNA WARRINGTON TO APPROVE THE 2ND QUARTER CREDIT CARD REPORT. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (ALEGRIA & D. MILLER).

3) Tribal Prosecutor's Office Procedural Audit;

MOTION BY CRAIG CORN TO APPROVE THE TRIBAL PROSECUTOR'S AUDIT. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (ALEGRIA & D. MILLER).

4) Potential Purchase of Property;

MOTION BY BRUCE PECORE TO REJECT THE OFFER FOR THE TONY WARRINGTON PROPERTY. SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (ALEGRIA & D. MILLER).

5) FMP Updates; &

There was no motion made after coming out of Executive Session.

6) MIEDA Board Updates; &

There was no motion made after coming out of Executive Session.

7) Real Estate Issue Regarding Tax Credit 8 Issue.

MOTION BY LISA WAUKAU THAT THE CHAIRMAN'S OFFICE MAKE APPLICATION FOR THE LITIGATION DOLLARS TO THE BUREAU OF INDIAN AFFAIRS. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (ALEGRIA & D. MILLER).

28. Adjournment.

MOTION BY BRUCE PECORE/LISA WAUKAU TO ADJOURN. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (ALEGRIA & D. MILLER).

Meeting adjourned at 7:54 P.M.

Respectfully submitted by;



Debra A. Bowman (Recorder/Transcriber)
EXECUTIVE SECRETARY, CHAIRMAN'S OFFICE